

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

WARREN T. ROACH,

Plaintiff,

v.

ROCKINGHAM COUNTY SCHOOLS;  
ROCKINGHAM COUNTY MIDDLE  
SCHOOL; ROCKINGHAM COUNTY  
HIGH SCHOOL; ROCKINGHAM  
COUNTY SCHOOLS, TRANSPORTATION  
DEPARTMENT; BROOKS, PIERCE,  
MCLENDON, HUMPHREY &  
LEONARD LLP,

Defendants.

1:05CV569

ORDER

This matter is before the Court on a Motion to Dismiss [Document #18] by Defendants Brooks, Pierce, McLendon Humphrey & Leonard LLP (“Brooks Pierce”) and Rockingham County Schools, Rockingham County Middle School, Rockingham County High School, and Rockingham County Schools Transportation Department (collectively, the “School Defendants”). Defendant Rockingham County Board of Education has filed an Answer and has not joined in the Motion to Dismiss. In response to the Motion to Dismiss, Plaintiff, who is *pro se*, filed a “Motion to Quash” [Document #24], seeking to “quash” the Motion to Dismiss. The Court will therefore treat Plaintiff’s Motion to Quash as a response to the Motion to Dismiss.

In support of the Motion to Dismiss [Document #18], the School Defendants note that they are simply extensions of the Rockingham County Board of Education and that as such, they

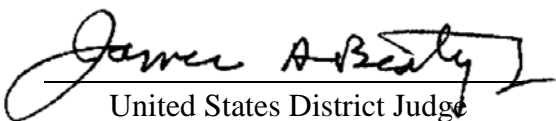
do not have the capacity to be sued under state law. According to the School Defendants, the Rockingham County Board of Education is the only proper defendant as to the claims asserted against the School Defendants. As noted above, the Rockingham County Board of Education has appeared and answered in this case. The Court finds that the Motion to Dismiss by the School Defendants is well-taken in light of appearance by Rockingham County Board of Education as the proper defendant in this action. Therefore, the Motion to Dismiss [Document #18] as to Rockingham County Schools, Rockingham County Middle School, Rockingham County High School, and Rockingham County Schools Transportation Department will be GRANTED, and all of the claims asserted against those entities will be construed as claims against the Rockingham County Board of Education.

With respect to the Motion to Dismiss [Document #18] by Defendant Brooks Pierce, the moving defendants contend that Plaintiff has not made any substantive allegations against Brooks Pierce, has not alleged that Brooks Pierce interfered with a right protected by 42 U.S.C. § 1981, and does not allege that Plaintiff previously filed a claim against Brooks Pierce with the Equal Employment Opportunity Commission (“EEOC”) as required prior to bringing a suit pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. The Court has reviewed Plaintiff’s Amended Complaint, and notes that the only reference to Defendant Brooks Pierce is in Paragraph 24, which alleges that Jill Wilson, in her capacity as attorney for “Rockingham County Schools” was involved in the investigation leading to Plaintiff’s termination from his employment. However, there are no additional factual allegations or statements of a claim

against Brooks Pierce. Plaintiff has not alleged any facts that would support a claim under § 1981 or Title VII as to Brooks Pierce, or any basis on which to hold Brooks Pierce liable for the decisions of the Rockingham County Board of Education. In addition, Plaintiff did not file a claim against Brooks Pierce with the EEOC, as required to bring a claim under Title VII. For all of these reasons, the Court concludes that the Motion to Dismiss [Document #18] by Defendant Brooks Pierce should also be GRANTED.

For the reasons discussed above, IT IS THEREFORE ORDERED that the Motion to Dismiss [Document #18] by the School Defendants is GRANTED, and all of Plaintiff's claims asserted against Rockingham County Schools, Rockingham County Middle School, Rockingham County High School, and Rockingham County Schools Transportation Department are hereby construed as claims against the Rockingham County Board of Education. As a result, Rockingham County Schools, Rockingham County Middle School, Rockingham County High School, and Rockingham County Schools Transportation Department are hereby DISMISSED as separate parties to this suit. IT IS FURTHER ORDERED that the Motion to Dismiss [Document #18] by Defendant Brooks Pierce is also GRANTED, and all of Plaintiff's claims against Defendant Brooks, Pierce, McLendon Humphrey & Leonard LLP are hereby DISMISSED. Finally, as a result of these determinations, IT IS FURTHER ORDERED that Plaintiff's Motion to Quash [Document #24] is DENIED.

This, the 21<sup>st</sup> day of July, 2006.

  
United States District Judge